IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	Criminal No. 3:18-CR-006-D(40)
	§	
FRANCISCO JACOBO MAESTAS,	§	
	§	
Defendant.	§	

MEMORANDUM OPINION
AND ORDER

Defendant Francisco Jacobo Maestas ("Maestas") has filed a May 18, 2018 motion for revocation of detention order pending judicial proceedings, in which he seeks review of the magistrate judge's April 30, 2018 order that he be detained pending trial. Maestas' motion appears to assume, however, that there will be a second detention hearing. In his instant motion he makes several references to evidence or witnesses that he will produce, and he expressly asks the court to conduct a hearing.

But the court's review of the record developed before the magistrate judge is an appropriate procedure to comply with its obligation to conduct *de novo* review of a detention order. *See, e.g.*, *United States v. Farguson*, 721 F. Supp. 128, 129 n.1 (N.D. Tex. 1989) (Fitzwater, J.). When conducting review of a detention order under 18 U.S.C. § 3145(b), the court retains the discretion to hold or not to hold another hearing or to receive additional evidence. *See United States v. Anderson*, 2014 WL 2764747, at *3 (N.D. Tex. July , 2014) (Fitzwater, C.J.) (citing *United States v. Dominguez*, 783 F.2d 702, 708 n.8 (7th Cir. 1986);*United States v. Shaker*, 665 F. Supp. 698, 704 (N.D. Ind. 1987)). The court declines to convene a second detention hearing where, as here, no showing has been made that such a hearing is warranted. Maestas must therefore file a motion based

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on the detention hearing conducted on April 30, 2018. Because he has not, the court denies without prejudice his May 18, 2018 motion for revocation of detention order pending judicial proceedings.

SO ORDERED.

May 21, 2018.

SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE